

AMENDED IN ASSEMBLY MAY 20, 2004
AMENDED IN ASSEMBLY MAY 6, 2004
AMENDED IN ASSEMBLY APRIL 26, 2004
AMENDED IN ASSEMBLY APRIL 14, 2004
AMENDED IN ASSEMBLY MARCH 31, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 3044

Introduced by Assembly Member Yee

February 26, 2004

An act to add Section 1264 to the Health and Safety Code, ~~and to add Section 14110.53 to the Welfare and Institutions Code, relating to~~ relating to prenatal testing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3044, as amended, Yee. Prenatal ultrasounds.

The Hereditary Disorders Act requires the State Department of Health Services to establish regulations and standards for a hereditary disorders program, including with respect to clinical testing procedures for use in programs, facilities, and projects.

Existing law requires the department to administer a statewide program for the prenatal testing for genetic disorders and birth defects, including, but not limited to, ultrasounds.

This bill, *commencing July 1, 2006*, would require any licensed health facility that provides prenatal ultrasound screening to detect congenital heart defects, with the exception of small and rural hospital,

to require that the ultrasound be performed by a sonographer who is nationally certified in obstetrical ultrasound by the American Registry for Diagnostic Medical Sonography or credentialed in sonography by the American Registry of Radiologic Technologists, or has a minimum of 5 years of work experience in this state as a sonographer in prenatal ultrasound. The bill would also require a sonographer to perform ultrasound under the supervision of a licensed physician and surgeon ~~that has received a specified level of ultrasound training in antepartum or obstetrical ultrasound.~~

~~Existing law provides for the Medi-Cal program, which is administered by the department and under which qualified low-income persons receive health care services.~~

~~This bill would provide that no reimbursement for the performance of a prenatal ultrasound shall be made under the Medi-Cal program if it is performed in a manner that violates the requirements of the bill.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The evaluation of the fetal heart is one of the more difficult
4 tasks for persons who perform prenatal, or fetal, ultrasounds.

5 (b) Congenital heart defects are one of the most common birth
6 defects and associated with one of the highest mortality rates
7 following birth.

8 (c) One out of every 125 to 150 babies is born with a congenital
9 heart defect each year.

10 (d) If all sonographers in health facilities in the state who
11 perform prenatal ultrasounds to screen for congenital heart defects
12 were required to be nationally certified in obstetrical ultrasound,
13 it could significantly increase prenatal detection rates of
14 congenital heart disease and other fetal defects, and ~~would~~ *could*
15 result in improved outcomes for neonates and decreased costs to
16 ~~hospitals.~~ *providers.*

17 SEC. 2. Section 1264 is added to the Health and Safety Code,
18 to read:

19 1264. (a) Any health facility licensed under Section 1250
20 that provides prenatal ultrasound screening to detect congenital

1 heart defects shall require that the ultrasound be performed by a
2 sonographer who is nationally certified in obstetrical ultrasound
3 by the American Registry for Diagnostic Medical Sonography
4 (ARDMS) or credentialed in sonography by the American
5 Registry of Radiologic Technologists (ARRT).

6 (b) For purposes of this section, the following shall apply:

7 (1) A sonographer is also known as an “ultrasound
8 technologist.”

9 (2) “Sonographer” means any nonphysician who is qualified
10 by national certification or academic or clinical experience to
11 perform diagnostic medical ultrasound, with a subspecialty in
12 obstetrical ultrasound.

13 (c) (1) Any sonographer who is certified as required in
14 subdivision (a) or otherwise meets the requirements of this section,
15 shall, in performing ~~an~~ *a prenatal* ultrasound to detect congenital
16 heart defects, perform the work under the supervision of a licensed
17 physician and surgeon who interprets the results.

18 (2) For purposes of this section, licensed physician and surgeon
19 means any physician and surgeon, licensed pursuant to Chapter 5
20 (commencing with Section 2000) of Division 2 of the Business and
21 Professions Code, ~~who has completed a residency program,~~
22 ~~fellowship, or postgraduate training that includes the equivalent of~~
23 ~~at least three months of diagnostic ultrasound training in~~
24 ~~antepartum or obstetrical ultrasound.~~

25 (d) Any person with a minimum of ~~five~~ *two* years of work
26 experience in this state as a sonographer in prenatal ultrasound
27 shall be deemed to be in compliance with the requirements of this
28 section.

29 (e) A health facility shall ~~adopt regulations~~ *develop policies*
30 *and procedures* to implement the requirements of this section.

31 (f) This section and regulations adopted pursuant to this section
32 shall not prohibit any physician and surgeon licensed pursuant to
33 Chapter 5 (commencing with Section 2000) of Division 2 of the
34 Business and Professions Code from performing a prenatal
35 ultrasound nor in any other way limit the ability of a licensed
36 physician and surgeon to practice medicine in a manner consistent
37 with that license.

38 (g) This section and regulations adopted pursuant to this
39 section shall not apply to any practitioner who performs limited
40 prenatal ultrasounds for the purpose of obtaining an amniotic fluid

1 index, fetal position, a biophysical profile or dating a pregnancy
2 prior to 20 weeks gestation.

3 (h) (1) This section and regulations adopted pursuant to this
4 section do not apply to any person who performs prenatal
5 ultrasounds in a small and rural hospital or a rural health clinic.

6 (2) For purposes of this section, “small and rural hospital” is
7 the same as defined in Section 124840.

8 (3) For purposes of this section, “rural health clinic” means
9 any clinic that is located more than 30 miles or 30 minutes driving
10 distance from the city hall for any metropolitan area with a
11 population of 150,000 or more.

12 (i) Article 4 (commencing with Section 1235) and any other
13 provision relating to criminal sanctions for violations of this
14 chapter shall not apply to any person who violates this section or
15 any regulation adopted pursuant to this section. ~~Any person who~~
16 ~~violates this section shall be subject to the prohibitions of Section~~
17 ~~14110.53 of the Welfare and Institutions Code.~~

18 ~~SEC. 3. Section 14110.53 is added to the Welfare and~~
19 ~~Institutions Code, to read:~~

20 ~~14110.53. Commencing January 1, 2005, no reimbursement~~
21 ~~for the performance of a prenatal ultrasound shall be made under~~
22 ~~the Medi-Cal program if it is performed in a manner that violates~~
23 ~~Section 1264 of the Health and Safety Code.~~

24 (j) *This section shall become operative on July 1, 2006.*